



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 26, 2012

Title	Agenda Item Type
Civil Practice and Procedure: Notice of Conditional Settlement	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rule 3.1385	July 1, 2013
Recommended by	Date of Report
Civil and Small Claims Advisory Committee Hon. Dennis M. Perluss, Chair	September 11, 2012
	Contact
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Executive Summary

The Civil and Small Claims Advisory Committee recommends that the Judicial Council amend rule 3.1385, regarding notice of conditional settlement, to provide that most hearings and other proceedings requiring the appearance of a party be vacated during the time between the filing of the notice of conditional settlement and the dismissal date specified in the notice under this rule, to avoid unnecessary appearances by the parties. The amendment would also specifically address payment of a settlement by installment payments.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council amend rule 3.1385, effective July 1, 2013, to:

1. Provide that on the filing of a notice of conditional settlement, the court must vacate all hearings and other proceedings requiring the appearance of a party, except a hearing on an order to show cause or other proceeding relating to sanctions, or for determination of good

faith settlement, and not set any such proceeding until at least 45 days after the dismissal date specified in the notice of conditional settlement;

2. Refer specifically to “payment in installment payments”; and
3. Provide that, consistent with standard 2.2(n)(1)(A) of the Standards of Judicial Administration, the filing of a notice of conditional settlement removes the case from the computation of time used to determine case disposition time.

The text of the amended rule is attached at pages 7–8.

Previous Council Action

Effective January 1, 2009, the Judicial Council amended rule 3.1385 to provide additional time, under certain circumstances, for completing a settlement after notice of settlement has been provided to the court. The amendment added subdivision (d), relating to settlements involving minors and persons with disabilities, and subdivision (e), allowing additional time to complete settlement for good cause shown.

Rationale for Recommendation

The Collections Cases Working Group (Collections Working Group) of the Civil and Small Claims Advisory Committee (CSCAC or committee), which is made up of advisory committee members and representatives from the collections bar and consumer groups, proposed amending rule 3.1385 at a meeting of the working group in May 2011. Attorneys were concerned about having to make unnecessary court appearances after a case has been settled but before all installment payments have been made and before a request for dismissal has been filed. Plaintiffs are reluctant to file a request for dismissal until receiving the last installment payment; thus the time period from notice of conditional settlement until dismissal of the action may be many months or years.

The proposed rule amendments addresses the problem of unnecessary court appearances by amending rule 3.1385(c) to provide that, on the filing of a notice of conditional settlement, the court must vacate all hearings and other proceedings requiring the appearance of a party—with limited exceptions made in response to a comment from the Collections Working Group—and not set any such hearing or other proceeding until at least 45 days after the dismissal date specified in the notice of conditional settlement. The amended rule retains the existing language (in a new paragraph) that authorizes the court to dismiss the case if plaintiff has not filed a request for dismissal within 45 days after the dismissal date specified in the notice.

In considering these amendments before they circulated for public comment, the CSCAC noted in its discussion that vacating hearing and other appearance dates would not affect remaining defendants because the rule applies only to settlement of the entire case and thus there would be no remaining defendants. (See title of rule: “Duty to notify court and others of settlement of entire case.”) To ensure that this is clear, the words “of the entire case” have been added to new paragraph (1) in subdivision (c).

The CSCAC recommended to the council's Rules and Projects Committee that the proposal be circulated during the spring 2012 comment cycle because it is urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts and the public.

Comments, Alternatives Considered, and Policy Implications

This proposal was circulated for public comment during the spring 2012 comment cycle. Six comments were received.¹ Commentators consisted of one superior court, the Joint Rules Working Group of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee (Joint Rules Working Group), a county bar association, the State Bar Committee on Administration of Justice (CAJ), the Collections Working Group, and an attorney. All agreed with the proposal except CAJ did not indicate its position. The Collections Working Group agreed with the proposal but suggested a modification, discussed below.

Commentators believe the proposal addresses its stated purpose and that there are either no reasonable alternatives or the proposal is superior to the alternatives considered. One commentator stated that the proposed amendments would be a welcome and helpful change to reduce the number of unnecessary court appearances. The Joint Rules Working Group made the most extensive comments, addressing possible increased training of court staff to track cases waiting for a dismissal to be filed. Because this comment appears to be a matter that is specific to each court, CSCAC does not recommend any changes to the proposal to address it.

The Joint Rules Working Group also requested a delayed implementation date, stating "new rules and forms should be adopted with an expectation that they will be implemented by the trial courts within a 6 month/one year time frame, unless there are compelling reasons to implement sooner." The Collections Working Group agreed with deferring the effective date so that courts could provide necessary training and make any case management systems adjustments to accommodate the change. Based on these comments, the CSCAC recommends an effective date of July 1, 2013.

The Collections Working Group commented that the proposed rule language requiring a court to vacate all hearing dates at the time the notice of conditional settlement is filed would prevent a judge from holding an Order to Show Cause hearing that was pending at the time the notice was filed. The CSCAC discussed this and was receptive to changing the rule to allow such hearings to proceed, but noted that one of the purposes of vacating all hearing dates was so that parties were not unnecessarily brought into court. Earlier, the Collections Working Group provided anecdotal reports of attorneys required to appear for conferences and Order to Show Cause hearings for failure to appear that were set after a notice of conditional settlement had been filed. The CSCAC discussed making a change to the rule language to allow a previously set hearing on an order to show cause to proceed after the notice of settlement, but not authorizing additional

¹ A chart containing all comments and the proposed committee responses is attached at pages 9–18.

hearings that would be unnecessary. To accomplish this, the proposed change provides, in subdivision (c)(3)(B), that “The court need not *vacate* a hearing on an order to show cause or other proceeding relating to sanctions.” (Italics added.) The CSCAC believes that this addresses the situation raised by the comment and will allow an Order to Show Cause hearing set before the notice of settlement to proceed.

During the CSCAC meeting, members debated whether to give judges greater discretion to hold a hearing if they believed it necessary. Some judges on the committee thought it would be too limiting to allow hearings only for an order to show cause set before the notice of settlement was filed. They suggested an exception that would allow a court to set a hearing for good cause, such as to address issues that needed to be resolved for the settlement to proceed. Other judges on the committee thought that to provide a good cause exception in the rule would greatly reduce the benefits of the rule amendment by allowing hearings in many more circumstances. These judges stated that if there remained issues to be resolved, the solution was to advise the plaintiff not to file a notice of conditional settlement until after their resolution. After a thorough discussion, the CSCAC voted 14 to 8 in favor of the proposal without the good cause exception. When presented to the Joint Rules Working Group, a similar discussion took place, with some judges advocating for rule language that would provide more circumstances in which a hearing would be allowed.

CSCAC members identified another circumstance in which a hearing should proceed after the notice of conditional settlement is filed: a motion for determination of a good faith settlement. The proposed amended rule has been modified to include a hearing for determination of good faith settlement at the request of a party.

In discussing alternatives to the proposed rule amendment, the committee previously considered having a two-year limit on the period following the filing of the notice of conditional settlement. If a request for dismissal were not filed within a specified time (e.g., 45 days) after the two-year period, a court could set hearing and other appearance dates or dismiss the case. However, there is case law contrary to such a limit. *Interinsurance Exchange of the Automobile Club of Southern California v. Faura* (1996) 44 Cal.App.4th 839, 844 interprets rule 3.1385 (under the previous rule number). The case concerned a settlement in installment payments that provided for the dismissal of the case after the final installment payment in six years’ time. The court held that it was an abuse of discretion for the trial court to schedule a status conference after notice of settlement was filed, and to dismiss the case for the parties’ failure to appear, before the expiration of the six-year period. The court interpreted the conditional settlement rule as containing no time limit on dismissals. Concerning the rule, the court stated, “Rule [3.1385(c)] reflects a pragmatic approach to conditional settlements. The case has been concluded and unless there is a breach of the settlement agreement, there is no further need for an appearance by the parties or for the court to monitor the file.” (*Id.* at p. 843.)

Although the committee could propose that the amended rule have a two-year limit on the period following the filing of the notice of conditional settlement, effectively overruling *Interinsurance*

Exchange, supra, and changing the law, the committee does not recommend doing so. Allowing more time to effectuate the settlement agreement would better address the problem of unnecessary court appearances after a case has been settled but before all installment payments have been made and before a request for dismissal has been filed.

The CSCAC also considered amending the rule to provide that the five-year rule—the time for bringing a case to trial specified in Code of Civil Procedure section 583.310—is not extended by the filing of a notice of conditional settlement. Again, case law is to the contrary. “The computation of the five-year period now specifically excludes the time during which bringing the action to trial was impossible, impracticable, or futile. (§ 583.340, subd. (c).)” *Canal Street, Ltd. v. Sorich* (2000) 77 Cal. App. 4th 602, 608.) “[T]he time during which a settlement agreement is in effect tolls the five-year period, for the reason that attempting to bring an action to trial when all issues have been resolved through settlement would be futile.” (*Ibid.*) The rationale for not requiring a conditionally settled case to be brought to trial is similar to that stated in *Canal Street, supra*, though that case did not specifically address a conditional settlement.

Finally, the rule could remain unchanged or be amended to add only “payment in installment payments” or to require most hearings to be vacated in the situation of a conditional settlement, but not both. The proposed amendment, however, is more likely to address the problem of unnecessary appearances when a settlement agreement includes installment payments. It is expected to result in cost and time savings for courts and litigants.

Implementation Requirements, Costs, and Operational Impacts

These rule amendments are expected to result in long-term cost savings and time savings for courts and litigants because unnecessary court appearances in conditionally settled cases will be eliminated. The extent to which courts currently hold case management conferences and other appearances in these cases is not known. After a case is conditionally settled, a court should not be holding case management conferences or other proceedings requiring the appearance of parties (except for an Order to Show Cause hearing set before the notice of conditional settlement was filed). But based on reports to the Collections Working Group that were communicated to the advisory committee, this happens frequently in some courts, particularly in consumer collections cases in which defendants agree to installment payments.

To determine the implementation requirements, costs, and operational impacts, the CSCAC sought information about how courts would implement the amended rule and whether it would require significant modifications to case management systems. Concerning the court’s ability to vacate previously set hearings, except for an order to show cause or for determination of good faith settlement, the director of civil operations in a large court stated that in her court it would be a one-step process to enter the dismissal date (or the date 45 days after the dismissal date) in the case management system. The court services manager in another large court explained that when a notice of conditional settlement is currently filed, the court no longer continues to actively manage the case; the case is set for a compliance hearing approximately 45 days after the dismissal date stated in the notice. He stated that it would impose no new or additional

burdens on his court to require—as under the amended rule—that a court vacate all hearings and other proceedings requiring the appearance of a party until 45 days after the dismissal date specified in the notice. Leaving a hearing on calendar, if it falls within one of the two exceptions in the proposed amended rule, would be a training issue. The court services manager stated that the case management system in his court would not hinder implementation of the amended rule.

For the 15 courts using the Sustain Justice Edition (SJE) case management system, a slight modification would be needed to provide that hearings are vacated. According to a consultant familiar with the SJE case management system, this is a simple change, and most courts already vacate future events when a conditional settlement is filed.

According to the Joint Rules Working Group, there is no apparent impact to automated CMS V3 for civil, small claims, and probate and mental health. The Joint Rules Working Group stated, however, that if the court’s current case management system does not have a clock or timeline tracker to automate the dates affected by the amended rule, the clerks will have to track these cases manually. The Joint Rules Working Group also identified training needs relating to the tracking of cases that are in a “stayed status” while waiting for the dismissal to be submitted and filed and the need for guidelines for the clerks as to what hearings need to remain on calendar.

Relevant Strategic Plan Goals and Operational Plan Objectives

Because in the rule amendments are intended to improve efficiency and eliminate unnecessary court proceedings, the recommendation supports Goal III, Modernization of Management and Administration.

Attachments

1. Cal. Rules of Court, rule 3.1385, at pages 7–8
2. Chart of comments, at pages 9–18

Rule 3.1385 of the California Rules of Court is amended, effective July 1, 2013, to read:

1 **Rule 3.1385. Duty to notify court and others of settlement of entire case**

2
3 (a)–(b) * * *

4
5 (c) **Conditional settlement**

6
7 (1) Notice

8
9 If the settlement agreement conditions dismissal of the entire case on the
10 satisfactory completion of specified terms that are not to be performed within
11 45 days of the settlement, including payment in installment payments, the
12 notice of conditional settlement served and filed by each plaintiff or other
13 party seeking affirmative relief must specify the date by which the dismissal
14 is to be filed. ~~If the plaintiff or other party required to serve and file a request~~
15 ~~for dismissal within 45 days after the dismissal date specified in the notice~~
16 ~~does not do so, the court must dismiss the entire case unless good cause is~~
17 ~~shown why the case should not be dismissed.~~

18
19 (2) Dismissal

20
21 If the plaintiff or other party required to serve and file a request for dismissal
22 within 45 days after the dismissal date specified in the notice does not do so,
23 the court must dismiss the entire case unless good cause is shown why the
24 case should not be dismissed.

25
26 (3) Hearings vacated

27
28 (A) Except as provided in (B), on the filing of the notice of conditional
29 settlement, the court must vacate all hearings and other proceedings
30 requiring the appearance of a party and may not set any hearing or
31 other proceeding requiring the appearance of a party earlier than 45
32 days after the dismissal date specified in the notice, unless requested
33 by a party.

34
35 (B) The court need not vacate a hearing on an order to show cause or
36 other proceeding relating to sanctions, or for determination of good
37 faith settlement at the request of a party under Code of Civil
38 Procedure section 877.6.

1 (4) Case disposition time

2

3 Under standard 2.2(n)(1)(A), the filing of a notice of conditional settlement
4 removes the case from the computation of time used to determine case
5 disposition time.

6

7 **(d)–(e) * * ***

8

SPR12-12**Civil Practice and Procedure: Notice of Conditional Settlement** (amend Cal. Rules of Court, rule 3.1385)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
1.	Orange County Bar Association Orange County Bar Association	A	The OCBA believes that this proposal for amendments to Rule 3.1385 appropriately addresses the stated purpose and that there are no reasonable alternatives. We do not believe it would be useful to allow the Court to set infrequent hearings during the conditional settlement dates. It is appropriate to except these cases from the time goals of Rule 3.714.	No response required.
2.	Collections Cases Working Group of the Civil and Small Claims Advisory Committee	AM	<p>The working group is comprised of judicial members, court staff, practitioners, and others identified with all stakeholders in civil collections case types.</p> <p>The proposed amendments to Rule 3.1385 were considered on April 9, 2012 and at the working group's most recent telephonic conference on July 16, 2012. At the latter meeting, the working group had the benefit of reviewing the comments to the proposal collected under SPR12-12.</p> <p>Although not all members were in attendance on July 16, 2012 and no formal vote was taken, the clear consensus of the working group is support for the proposed amendment with two comments for consideration by the advisory committee and Judicial Council, as follows:</p> <ol style="list-style-type: none"> 1. As suggested by other commentators, the working group supports deferring implementation of the amendments, if adopted, until July, 2013 to allow courts to provide necessary training and any case management systems adjustments to 	In response to comments, the committee recommends an effective date of July 1, 2013.

SPR12-12**Civil Practice and Procedure: Notice of Conditional Settlement** (amend Cal. Rules of Court, rule 3.1385)

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	Commentator	Position	Comment	Committee Response
			<p>accommodate the change.</p> <p>2. More substantively, read literally, the proposed rule change would preclude a court from conducting a hearing scheduled before a Notice of Settlement of Entire Case was filed that is required independent of the pending settlement of the case. An example would be an Order to Show Cause for sanctions directed at a party or counsel for non-compliance with case management or other obligations to the court. Settlement of the case should not deprive a court of jurisdiction to enforce the statutory, rule or ethical obligations of a party or counsel to the court. (Anecdotally, judicial members of the working group find that some practitioners, faced with the prospect of sanctions may file a Notice of Settlement when none is actually pending). The proposed rule amendment could readily be revised to make an exception for these circumstances by adding the following language at the end of proposed 3.1385(c)(3): "...; provided, that, a hearing upon an order to show cause or other proceedings relating to potential sanctions, need not be vacated." This would preserve the jurisdiction of the court without interfering with the goal of eliminating unnecessary appearances.</p>	<p>The committee agrees with this comment and has modified the rule to address particular hearings scheduled before the notice of settlement was filed.</p>
3.	Quinn & Kronlund, LLP By: Randy Lockwood Attorney at Law	A	This would be a welcome and helpful change to reduce the number of unnecessary court appearances.	No response required.

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	Commentator	Position	Comment	Committee Response
	Stockton			
4.	State Bar of California, Committee on Administration of Justice By: Saul Bercovitch Legislative Counsel	N/I	<p>CAJ supports this proposal. CAJ responds to the specific questions in the invitation to comment as follows:</p> <ol style="list-style-type: none"> 1. Does the proposal appropriately address the stated purpose? Yes. The proposal is an appropriate response to address the stated purpose. 2. Are there alternatives to address the issue of unnecessary court appearances in a conditionally settled case that would be preferable to the proposed rule amendment? The proposed amendment is better than the alternatives considered. Additionally, the revised format of the proposed amendment makes it clearer and easier to follow. We do disagree with the alternatives offered with regard to whether the court should be under the obligation to track cases where a dismissal is not filed in longer, more extended conditional settlements. 3. Should the proposed amendment allow a court to set a hearing or other proceeding requiring the appearance of a party on an infrequent basis such as once every year or two years during the period between the notice of conditional settlement and the specified dismissal date? 	The committee acknowledges and appreciates the comments on specific questions posed in the invitation to comment.

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	Commentator	Position	Comment	Committee Response
			<p>No. While we are not opposed to the court’s ability to have the discretion to require appearance, once a notice of conditional settlement is filed it should be the burden of the parties to set a hearing or other proceeding if necessary to enforce the terms of a settlement during this period.</p> <p>4. Should the proposed amendment require a court to exempt from the case disposition time goals of rule 3.714 any case in which a notice of conditional settlement has been filed?</p> <p>For purposes of making this consistent with what is already in the Standard 2.2(n)(1)(A), the proposed amendment is sufficient. It should not be required that a court exempt from the case disposition time goals of rule 3.714 any case in which a notice of conditional settlement is filed.</p>	
5.	Superior Court of San Diego County By: Michael M. Roddy Executive Officer	A	No additional comments.	No response required.
6.	TCPJAC/CEAC Joint Rules Committee TCPJAC/CEAC	A	<p>The TCPJAC/CEAC Joint Rules Working Group agrees with the proposed changes.</p> <p>Operational impacts identified by the working group:</p> <p>Potential Fiscal Impact The Small Civil and Small Claims Advisory</p>	No response required.

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	Commentator	Position	Comment	Committee Response
			<p>Committee reports that this proposal is expected to result in long-term cost savings and time savings for courts and litigants, because unnecessary court appearances in conditionally settled cases will be eliminated. The extent to which courts currently hold case management conferences and other appearances in these cases is not known. After a case is conditionally settled, a court should not be holding case management conferences or other proceedings requiring the appearance of parties. But based on reports to the working group that were communicated to the advisory committee, this happens frequently in some courts, particularly in consumer collections cases in which defendants agree to installment payments.</p> <p>Impact on Existing Automated Systems To determine the implementation requirements, costs, and operational impacts, the advisory committee sought information about how courts would implement this proposal and whether it would require significant modifications to case management systems. One advisory committee member, the director of civil operations in a large court, stated that in her court it would be a one-step process to enter the dismissal date (or the date 45 days after the dismissal date) in the case management system, where the date can be set for up to nine years in the future. The court services manager in another large court explained that when a notice of conditional settlement is currently filed, the court no longer continues to actively manage the case; the case</p>	

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	Commentator	Position	Comment	Committee Response
			<p>is set for a compliance hearing approximately 45 days after the dismissal date stated in the notice. He stated that it would impose no new or additional burdens on his court to require—as under the amended rule—that a court vacate all hearings and other proceedings requiring the appearance of a party until 45 days after the dismissal date specified in the notice.</p> <p>For the 15 courts using the Sustain Justice Edition (SJE) case management system, a slight modification would be needed to provide that all hearings are vacated. According to a consultant familiar with the SJE case management system, this is a simple change, and most courts already vacate future events when a conditional settlement is filed.</p> <p>No apparent impact to automated CMS V3 for Civil, Small Claims, Probate, Mental Health.</p> <p>However, If the court’s current Case Management System does not have a clock or timeline tracker to automate this proposal, the clerks will have to track manually.</p> <p>Increased Training Needs Requiring the Commitment of Staff Time and Court Resources</p> <p>The training that would be needed relates to the tracking of those cases that are in a stayed status, for example, while waiting for the dismissal to be submitted and filed. The courts case management system would have to manage</p>	<p>This appears to address a matter that is specific to each court and acknowledges that appropriate training may be implemented by a court as needed. The advisory committee therefore does not recommended any change to the proposal that would address the comment.</p>

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	Commentator	Position	Comment	Committee Response
			<p>that task and timeline. If not, then this would increase workload for staff to track these cases manually. A potential challenge for counter clerks could arise once a settlement is filed and events are vacated, should a judge question why certain hearings were taken off calendar, for example, an OSC regarding Sanction to Attorney for not appearing to a Mandatory Hearing. There needs to be guidelines for the clerks as to what hearings need to stay on. Also a question that should be asked to the courts is what case status do these cases get in there current case management systems? And does this effect there JBSIS report for active/non-active cases? Training would be required if the Courts do not have some unit or tracking system in place currently. It would not be required if the courts are already following this procedure and guideline.</p> <p>Increase to Existing Court Staff Workload No, if the Courts current Case Management System can schedule a date out that is specified in the Notice of Settlement .If, not the clerks are going to need sufficient training and tools on how to track these Non-Active cases. If a court has a division that is tracking all case management issues, which some courts do, then there won't be an increase in workload for staff.</p> <p>Attorney members of the advisory committee reported that because court proceedings requiring the appearance of parties are not vacated, they often have to make unnecessary</p>	

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			<p>appearances after a case has been settled but before all installment payments have been made and before a request for dismissal has been filed. As a result, parties and courts incur the time and expense of unnecessary court appearances. These costs in staff time, workload and resources could be avoided with the proposed change.</p> <p>Impact on Local or Statewide Justice Partners See potential positive impact of proposal reported by attorney members of the working group under Court Staff Workload above.</p> <p>Implementation The proposal indicates it will take effect 01/01/13. The Judicial Council is scheduled to meet on 10/26/12 to review/approve the proposal, so if approved, the courts will have two months to implement. Because courts are struggling to provide core services with fewer resources, proposals should not require early implementation unless statutorily mandated. New rules and forms should be adopted with an expectation that they will be implemented by the trial courts within a 6 month/one year time frame, unless there are compelling reasons to implement sooner.</p> <p>Request for Specific Comments In addition to comments on the proposal as a whole, the advisory committee and working group are interested in comments on the</p>	<p>In response to comments, the committee recommends an effective date of July 1, 2013.</p>

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	Commentator	Position	Comment	Committee Response
			<p>following:</p> <ul style="list-style-type: none">• Does the proposal appropriately address the stated purpose? <u>Yes.</u>• Are there alternatives to address the issue of unnecessary court appearances in a conditionally settled case that would be preferable to the proposed rule amendment? <u>One concern with the vacating of all future hearings is that some case management systems might not have a way to track a case and make sure it is dismissed 45 days after the dismissal date specified in the form (assuming a Request for Dismissal is not filed). Scheduling an Order to Show Cause re: Dismissal would be a way to make sure that the case is properly reviewed (unless a Request for Dismissal is filed, which would take the OSC off calendar).</u>• Should the proposed amendment allow a court to set a hearing or other proceeding requiring the appearance of a party on an infrequent basis such as once every year or two years during the period between the notice of conditional settlement and the specified dismissal date? <u>Yes. As stated above, this option would give the court the opportunity to set a hearing as a means of tracking the case and ensuring that it reaches a</u>	<p>The committee acknowledges that appropriate training may be needed. However, based on consultation with knowledgeable people in several courts, case management systems should be able to track conditionally settled cases so that they are dismissed at the correct time.</p>

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	Commentator	Position	Comment	Committee Response
			<p><u>disposition.</u></p> <ul style="list-style-type: none">• Should the proposed amendment require a court to exempt from the case disposition time goals of rule 3.714 any case in which a notice of conditional settlement has been filed? <p><u>Yes, the case should not age after a settlement is filed.</u></p>	<p>The committee agrees and this is consistent with standard 2.2(n)(1)(A) of the Standards of Judicial Administration.</p>